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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,292	03/29/1999	NEIL ROSEMAN	249768013US	5547

25096 7590 12/02/2003

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EXAMINER
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WEISBERGER, RICHARD C

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/280,292

Applicant(s)

ROSEMAN ET AL.

Examiner

Richard C Weisberger

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 9/29/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 44-139 is/are pending in the application.
- 4a) Of the above claim(s) 60-70 and 86-121 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-59, 71-85 and 122-139 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Election/Restrictions***

1. Applicant's election with traverse of group I in Paper No. 20 is acknowledged.

The traversal is on the ground(s) that claims 71-85 should be included therewith.

Claims 71-85 have been added to group I. The election is otherwise incomplete as it fails to cancel the nonelected claims.

The requirement is still deemed proper and is therefore made FINAL.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Fisher et al, USP 5835896.

Fisher teaches a computer implemented algorithm for participating in an auction system, the method comprising a bid for the item (Figure 5:41) when the received request includes automatic authentication information, automatically authenticating the user based on the automatic authentication information, when the user can be automatically authenticated, placing the bid on behalf of the user, and when the user cannot be automatically authenticated, manually authenticating the user; and when the user can be manually authenticated, placing the bid on behalf of the user. As to the step of receiving a request to bid prior to the bidding process, it would have been obvious for one skilled in the art to have adopted the online auction system of Fisher including step

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for receiving a request from a user to submit a bid as motivated by the need to qualify buyers prior to a date specified auction, as it is routine in the art of auctioning to prescreen bidders. A request that includes automatic authentication information from a cookie stored on a computer of the user is well known and would have been obvious for one skilled in the art to adopt to increase the speed of the transaction (See, Applicant's spec, page 4:19-25). The prior art does not expressly teach the step of receiving a request to submit a bid. Moreover, the reference teaches a method of claim 44 wherein automatically authenticating the user based on the received automatic authentication information includes extracting a user identifier from the received request; and determining whether the user identifier identifies a registered user (Figure 5). It further teaches the method of claim 46 including determining whether the user identified by the user identifier is authorized to submit bids (Figure 5). It further renders obvious the method of claim 44 including when the user cannot be manually authenticated, registering the user since it is well known in the art to register heretofore unregistered users as motivated by the need to increase participation. It further teaches the method of claim 44 including determining whether the bid is acceptable before manually authenticating the user (Figure 5:43). It fails to expressly teach that of claim 44 including before receiving from the user a request to submit a bid for the item, sending to the user a display description identifying the item to be auctioned and for requesting to submit a bid at a suggested bid amount for the item, but it would have been obvious for one skilled in the art to have sent the user a description of the article since this unsolicited posting or offers are routine in the art of online auctions. It would have been

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obvious for one skilled in the art at the time to employ the method of claim 44 including before placing a bid on behalf of the user, sending to the user a display description requesting confirmation to place the bid as motivated by the desire to increase activity. Moreover, official notice is taken that authenticating users via manual authentication including sending to the user a display description requesting authentication information, receiving from the user authentication information, and determining whether the user can be authenticated based on the received authentication information is routine in the art. Moreover, the method of claim 44 wherein after manual authentication of the user, a subsequent bid is place on behalf of the user using semiautomatic authentication (interpreted as broadly as possible includes graphical user assistance inherent in Figure 5. Moreover, the method of claim 44 wherein the manual authentication expires after a fixed time is obvious to those skilled in the art as motivated by the need to inactivate inactive accounts. Moreover, the method of claim 44 wherein the manual authentication expires based on when a bid was last placed by the user is a matter of design choice and would have been obvious to one skilled in the art as is the method of claim 44 wherein the manual authentication expires based on when the user last interacted with the auction system, as is the method of claim 44 wherein the manual authentication expires after a time that is determined based on the user's past interactions with the auction system, as is the method of claim 44 wherein the user specifies conditions for expiration of the manual authentication.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 703 308 4408.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vince Millin can be reached on 703 308 1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Richard C Weisberger  
Primary Examiner  
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